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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/244,190

02/04/1999

KUNIAKI KOGA

12407

3452

23389

7590

08/03/2004

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 08/03/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/244,190

Applicant(s)

KOGA, KUNIAKI

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **EXAMINER'S RESPONSE**

### **Status of Application**

In response to the applicant's amendment received on 5/27/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 2-9,11-18 are unpatentable for the reasons set forth in this office action:

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 4-9 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (4965569), Svensson (5687216z) and Nakajima (4477807).

Bennett shows a pager that present previously received messages. If a new message is received during the presenting of previously received messages the presenting is temporarily stopped and a new message is then presented. See figures 9A, 9B, 10A, 10B and their descriptions especially, col. 17 lines 29-36, lines 60-63 and elements 356 and 364 of figure 12A. Bennett differs from the claimed invention in that the presentation of the messages in Bennett is audible, while the presentation of the messages in the claimed invention is by display. One of ordinary skill in the art of pagers is well aware that pagers can use

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displays to display the stored page information equally as well as the audible storage and playback of Bennett.

In an analogous art, Svensson teaches to interrupt displaying of a stored message to indicate a different mode (or telephone number) and upon completion of reviewing the new message, returning to the same location of reviewing the stored messages. In order to accomplish this a memory location inherently exists to tag the reviewing location in order to return back. See col. 8 table 1.

In an analogous art, Nakajima shows a paging system where the messages are displayed in a sequential order based upon their arrival. See abstract. This allows the use to be aware of the importance of the received messages. The examiner takes official notice that tracking the arrival by time stamps of FIFO memory are both very common manners in the art to track the arrival sequence of messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed received messages sequentially in the above-modified system in order to aid the user in determining the importance of the messages.

2. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (4965569), and Svensson (5687216) and Nakajima as applied to claims 4 and 13 and further in view of either Sone (5793304), Burgan (6166621) or McLaughlin (4975694).

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In an analogous art Sone, Burgan and McLaughlin each teach a pager that is used display messages. Sone, Burgan and McLaughlin show displaying messages in one of a plurality of formats and displaying other (or additional) messages in a different format. The difference in the display formats is used to convey that the messages have different characteristics. See Sone col. 1 lines 33-36, Burgan Figure 6 and McLaughlin figure 7. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed different types of messages in different fashions for displaying the messages being presented in the Bennett system in order to aid the user in knowing the type of message being presented.

3. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett, Svensson and Nakajima as applied to claims 4 and 13 above, and further in view of Fennell (5430436).

In an analogous art, Fennell shows displaying common messages (equivalent to the already received messages of Bennett) in one format while displaying special messages (equivalent to new messages) in a different format. The difference in the formats is that one includes highlighting. See col. 3 lines 34+. This aids the user in knowing the type of message being presented.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used displayed different types of messages in different fashions for displaying the messages being presented in the above

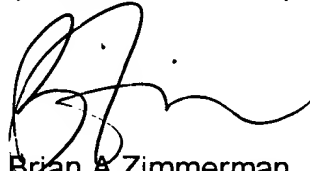
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modified system in order to aid the user in knowing the type of message being presented.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ